

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**UNITED STATES OF AMERICA and
STATE OF TEXAS, ex rel. SHATISH
PATEL, M.D., HEMALATHA
VIJAYNA, M.D., and WOLLEY
OLADUT, M.D.,**

Plaintiffs,

CIVIL ACTION NO. 4:17-CV-01817

V.

**CATHOLIC HEALTH INITIATIVES,
ST. LUKE'S HEALTH SYSTEM
CORPORATION, ST. LUKE'S
COMMUNITY DEVELOPMENT
CORPORATION – SUGAR LAND,
DAVID FINE, DAVID KOONTZ, and
STEPHEN PICKETT,**

Defendants.

DEFENDANTS MOTION TO DISMISS RELATORS' ORIGINAL COMPLAINT

Defendants Catholic Health Initiatives, St. Luke's Health System Corporation, St. Luke's Community Development Corporation – Sugar Land, David Fine, David Koontz, and Stephen Pickett (collectively "Defendants") respectfully move the Court to dismiss Relators' Original Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted and Federal Rule of Civil Procedure 9(b) for failure to allege fraud with the requisite particularity. In support of this motion, Defendants submit a memorandum and include a proposed order.

Dated: October 31, 2017.

Respectfully submitted,

POLSINELLI PC

By: /s/ Mark S. Armstrong

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October, 2017, a true and correct copy of the foregoing was electronically served on counsel for all parties properly registered to receive notice via the Court's CM/ECF system.

/s/ Mark S. Armstrong
Mark S. Armstrong